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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,077	10/23/2003	Albert Santelli JR.	Fram Trak-9	8311

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EXAMINER

REDMAN, JERRY E

ART UNIT PAPER NUMBER

3634

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*nc*

## Office Action Summary

Application No.

10/692,077

Applicant(s)

SANTELLI, ALBERT

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 19 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 7, 8, 10, 12, 13, 15-18, and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 11 and 21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The status of the claims is as follows:

Claims 6 and 14 have been cancelled; and

Claims 1-5 and 7-21 are herein addressed below.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 8, 10, 15, 18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fluck (3,114,946). Fluck ('946) discloses a sealing assembly (5) comprising a closure (9) having an edge, a surface (25), an edge cover (6, i.e., the second member 12 couples the edge cover to the door 9), a flexible seal (23), a coupling arrangement (14 and 22, i.e., the first member) for coupling the seal (23) and the cover (6) together, and two stop members (7 and 8 extend continuously as a flange) protruding beyond the coupling arrangement (14 and 22) to substantially prevent the coupling arrangement (14 and 22) from transmitting a force into the cover when the cover is moved to a closed position and the seal (23) engages the surface (25).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 13, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fluck ('946) in view of applicant's prior art Figures 2A and 2B. All of the elements of the instant invention are discussed in detail above except providing the closure to be an overhead door having a rounded edge with the sealing arrangement contacting a floor surface. The applicant's prior art Figures 2A and 2B discloses an overhead door (18) having rounded edges (20) and the sealing arrangement contacts a floor surface (24). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Fluck ('946) with an overhead door having rounded edges to seal a floor surface as taught by applicant's prior art Figures 2A and 2B since an overhead door allows the door to be moved out of the way of the opening and the rounded edges allows the seal arrangement to be easily mounted.

Claims 1, 2, 4, 7, 8, 10, 12, 13, 15-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art Figures 2A and 2B in view of Fluck ('946). The applicant's prior art Figures 2A and 2B discloses an overhead door (18) having rounded edges (20) and the sealing arrangement contacts a floor surface (24). Applicant's prior art Figures 2A and 2B fails to disclose a seal arrangement having stops. Fluck ('946) discloses a sealing assembly (5) comprising a closure (9) having an edge, a surface (25), an edge cover (6, i.e., the second member 12 couples the edge cover to the door 9), a flexible seal (23), a coupling arrangement (14 and 22, i.e., the first member) for coupling the seal (23) and the cover (6) together, and two stop members (7 and 8 extend continuously as a flange) protruding beyond the coupling

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arrangement (14 and 22) to substantially prevent the coupling arrangement (14 and 22) from transmitting a force into the cover when the clover is moved to a closed position and the seal (23) engages the surface (25). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sealing arrangement of applicant's prior art Figures 2A and 2B with stops as taught by Fluck ('946) since the stop protects to flexible seal between opening and closing movements of the closure.

Claims 5, 9, 11, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3 and 19 are allowable.

The applicant's arguments have been considered but are not deemed persuasive. It appears that the applicant's arguments are more limiting than that of the claims. The applicant argues that Fluck ('946) fails to disclose the "stop member extending along a length of the cover *and facing an interior surface of the flexible seal*". Since the applicant has not defined which surface is the "interior surface" (or outer surface), Fluck ('946) still reads on the claims of record since the stop members (7 and 8) face the surface of the flexible seal. Furthermore, the stop members of Fluck ('946) face both surfaces (inner and outer). It appears that the art of record fails to disclose the stop members extending from the door and the flexible seal is mounted on both


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sides of the stop member and/or the stop member extending from the door at a position between the first and second mounting portions of the flexible seal.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 703-308-2120 or 571-272-6835 after 4/9/2005.

  
Jerry Redman  
Primary Examiner